



# **AT&T**

# **Transparency Report**





## Introduction

We take our responsibility to protect your information and privacy very seriously. We continue our pledge to protect your privacy to the fullest extent possible and in compliance with the laws of the country where your service is provided.

Like all companies, we are required by law to provide information to government and law enforcement agencies, as well as parties to civil lawsuits, by complying with court orders, subpoenas, lawful discovery requests and other legal requirements. We ensure that these requests are valid, and that our responses comply with the law and our own policies.

## This Report

This report provides specific information regarding the number and types of demands to which we responded for the first half of 2015, as well as National Security Demands for the second half of 2014, which we are providing subject to the statutory and U.S. Department of Justice's guidelines. For comparison purposes, we included data from our prior report. During this reporting period, we acquired two wireless companies—Iusacell and Nextel Mexico—which provide telecommunications services in Mexico only. We acquired Iusacell in January 2015 and Nextel Mexico in May 2015. Information for Iusacell and Nextel is included in the International Demands section.

## Privacy Advocacy

The privacy of AT&T's customers around the world is of paramount importance to us. AT&T joined other technology companies and public interest groups in advocating for limits on the government's ability to obtain customer communications stored abroad. AT&T believes that law enforcement should respect the laws of other countries and work through established treaties. We also believe U.S. law enforcement must demonstrate a clear relationship between the customer or content and the U.S. before obtaining content stored abroad. Our country's respect for international data protection standards will help ensure that the privacy interests of Americans are also respected by other countries.

We are a member of the Telecommunications Industry Dialogue, which is a group of telecommunications operators and vendors who jointly address freedom of expression and

privacy rights in the telecommunications sector in the context of the UN Guiding Principles on Business and Human Rights.

| <b>NATIONAL SECURITY DEMANDS</b>                         |                         |                                     |
|--|-------------------------|-------------------------------------|
| <b>National Security Letters</b>                         | <b>July – Dec. 2014</b> | <b>Jan. – June 2015<sup>1</sup></b> |
| ▪ Total Received   | 0 – 999                 | 500 – 999                           |
| ▪ Number of Customer Accounts                            | 1,000 – 1,999           | 2,500 – 2,999                       |
| <b>Foreign Intelligence Surveillance Act<sup>2</sup></b> | <b>Jan. – June 2014</b> | <b>July – Dec. 2014</b>             |
| ▪ Total Content  | 0 – 999                 | 0 – 499                             |
| ○ Customer Accounts                                      | 18,000 – 18,999         | 16,500 – 16,999                     |
| ▪ Total Non-Content                                      | 0 – 999                 | 0 – 499                             |
| ○ Customer Accounts                                      | 0 – 999                 | 0 – 499                             |

| <b>TOTAL U.S. CRIMINAL &amp; CIVIL DEMANDS</b>  |                         |                         |
|---|-------------------------|-------------------------|
| <b>Total Demands</b>                            | <b>July – Dec. 2014</b> | <b>Jan. – June 2015</b> |
| (Federal, State and Local; Criminal and Civil)  | 147,830                 | 145,104                 |
| ▪ Subpoenas                                     | 114,811                 | 107,982                 |
| ○ Criminal                                      | 103,710                 | 96,781                  |
| ○ Civil   | 11,101                  | 11,201                  |
| ▪ Court Orders (General)                        | 16,756                  | 18,574                  |
| ○ Historic                                      | 13,518                  | 14,934                  |
| ○ Real-Time (Pen registers)                     | 3,238                   | 3,640                   |
| ▪ Search Warrants / Probable Cause Court Orders |                         |                         |
| ○ Historic                                      | 11,592                  | 12,347                  |
| ▪ Stored Content                                | 3,219                   | 3,398                   |
| ▪ Other   | 8,373                   | 8,949                   |
| ○ Real-Time                                     | 4,671                   | 6,201                   |
| ▪ Wiretaps                                      | 1,253                   | 1,416                   |
| ▪ Mobile Locate Demands                         | 3,418                   | 4,785                   |

## DEMANDS REJECTED / PARTIAL OR NO DATA PROVIDED

(Breakout detail of data included in Total U.S. Criminal & Civil Demands)

|                             | July – Dec. 2014 | Jan. – June 2014 |
|-----------------------------|------------------|------------------|
| <b>Total</b>                | 40,001           | 46,406           |
| ▪ Rejected/Challenged       | 2,688            | 2,525            |
| ▪ Partial or No Information | 37,313           | 43,881           |

## LOCATION DEMANDS

(Breakout detail of data included in Total U.S. Criminal & Civil Demands)

|              | July – Dec. 2014 | Jan. – June 2014 |
|--------------|------------------|------------------|
| <b>Total</b> | 33,187           | 37,973           |
| ▪ Historic   | 25,822           | 28,745           |
| ▪ Real-Time  | 6,673            | 8,545            |
| ▪ Cell Tower | 692              | 683              |

## EMERGENCY REQUESTS

|              | July – Dec. 2014 | Jan. – June 2014 |
|--------------|------------------|------------------|
| <b>Total</b> | 56,719           | 56,329           |
| ▪ 911        | 45,463           | 43,670           |
| ▪ Exigent    | 11,256           | 12,659           |

<sup>1</sup> See Section 604 of the USA Freedom Act.

<sup>2</sup> The USA Freedom Act and the Department of Justice impose a six-month delay for reporting this data.

## NATIONAL SECURITY DEMANDS

The Department of Justice’s guidance, issued on Jan. 27, 2014, authorized us to report on the receipt of National Security Letters and court orders issued under the Foreign Intelligence Surveillance Act (FISA). See <http://www.justice.gov/opa/pr/2014/January/14-ag-081.html>. Recently, the U.S. enacted the USA Freedom Act, which contains statutory authority to provide similar types of disclosures. See Section 604 of the Act, [https://www.congress.gov/bill/114th-congress/house-bill/2048/text?q={%22search%22%3A\[%22USA+Freedom+Act%22\]}#toc-HC8AF097384964B119DBE9FF3D1EE245A](https://www.congress.gov/bill/114th-congress/house-bill/2048/text?q={%22search%22%3A[%22USA+Freedom+Act%22]}#toc-HC8AF097384964B119DBE9FF3D1EE245A).

National Security Letters are subpoenas issued by the Federal Bureau of Investigation in regard to counterterrorism or counterintelligence. These subpoenas are limited to non-content information, such as a list of phone numbers dialed or subscriber information.

Court orders issued pursuant to FISA may direct us to respond to government requests for content and non-content data related to national security investigations, such as international terrorism or espionage.

Consistent with the above guidance, our report includes the range of National Security Letters and FISA Orders served on us and the “customer selector’s targeted” by those respective demands.

## TOTAL U.S. CRIMINAL & CIVIL DEMANDS

This number includes demands to which we responded in connection with criminal and civil litigation matters. This category doesn’t include demands reported in our National Security Demands table.

Criminal proceedings include actions by the government — federal, state, and local — against an individual arising from an alleged violation of criminal law.

Civil actions include lawsuits involving private parties (i.e., a personal liability case, divorce proceeding, or any type of dispute between private companies or individuals). In addition, civil proceedings include investigations by governmental regulatory agencies such as the Securities and Exchange Commission, the Federal Trade Commission and the Federal Communications Commission.

## We ensure we receive the right type of legal demand.

We receive several types of legal demands, including subpoenas, court orders, and search warrants. Before we respond to **any** legal demand, we determine that we have received the correct type of demand based on the applicable federal and state laws and the type of information being sought. For instance, in some states we must supply call detail records if we receive a subpoena. In other states, call detail records require a court order or search warrant. If the requesting agency has failed to send the correct type of demand, we reject the demand.

### Types of Legal Demands

Subpoenas, court orders and search warrants are used to demand information for use in criminal trials, lawsuits, investigations, and other proceedings. If the applicable rules are followed, we're legally required to provide the information.

"Total U.S. Criminal & Civil Demands" reflects the type of demand with the information requested, particularly relating to general court orders and search warrants.

- **Subpoenas** don't usually require the approval of a judge and are issued by an officer of the court, i.e., an attorney. They are used in both criminal and civil cases, typically to obtain testimony or written business documents such as calling records and basic subscriber information such as the name and address listed on the billing account.
- **General Court Orders** are signed by a judge. We consider "general" court orders as all orders except those that contain a probable cause finding. In a criminal case, for example, a judge may issue a court order on a lesser standard than probable cause, such as "relevant to an ongoing criminal investigation." In a civil case, a court order may be issued on a "relevant" or "reasonably calculated to lead to the discovery of admissible evidence" standard. For this report, general court orders were used to obtain historical information like billing records or the past location of a wireless device. In criminal cases, they are also used to obtain real-time, pen register/"trap and trace" information, which provides phone numbers and other dialed information for all calls as they are made or received from the device identified in the order.
- **Search Warrants and Probable Cause Court Orders** are signed by a judge, and they are issued only upon a finding of "probable cause." To be issued, the warrant or order must be supported by sworn testimony and sufficient evidence to believe the information requested is evidence of a crime. Probable cause is viewed as the highest standard to

obtain evidence. Except in emergency circumstances, a search warrant or probable cause court order for all real-time location information (i.e., wiretaps and GPS) and stored content (i.e., text and voice messages) is required for all jurisdictions, courts, and agencies.

### **Foreign-Originated Demands for Information about a U.S. Consumer or Business**

If we receive an international demand for information about a U.S. customer, whether an individual or business, we refer it to that country's Mutual Legal Assistance Treaty (MLAT) process. We did not receive any international demands for information about a U.S. customer from a country that does not have an MLAT process. The Federal Bureau of Investigation ensures that we receive the proper form of U.S. process (e.g., subpoena, court order or search warrant), subject to the limitations placed on discovery in the U.S., and that cross-border data flows are handled appropriately. Thus, any international-originated demands that follow an MLAT procedure are reported in our Total Demands category because we can't separate them from any other Federal Bureau of Investigation demand we may receive.

### **DEMAND REJECTED / PARTIAL OR NO DATA PROVIDED**

We ensure that we receive the appropriate type of demand for the information requested. In this category, we include the number of times we rejected a demand or provided only partial information or no information in response to a demand. Here are a few reasons why certain demands fall into this category:

- The wrong type of demand is submitted by law enforcement. For instance, we will reject a subpoena requesting a wiretap, because either a probable cause court order or search warrant is required.
- The demand has errors, such as missing pages or signatures.
- The demand was not correctly addressed to AT&T.
- The demand did not contain all of the elements necessary for a response.
- We had no information that matched the customer or equipment information provided in the demand.

### **LOCATION DEMANDS**

Our Location Demands category breaks out the number of civil and criminal legal demands we received by the type of location information (historical and real-time) requested. We also provide the number of requests we received for cell tower searches, which ask us to provide

all telephone numbers registered on a particular cell tower for a certain period of time (or to confirm whether a particular telephone number registered on a particular cell tower at a given time). We do not keep track of the number of telephone numbers provided to law enforcement in connection with cell tower searches.

A single cell tower demand may cover multiple towers. We disclose both the total numbers of demands and the total number of cell tower searches. For instance, if we received one court order that included ID numbers for two cell towers, we count that as one demand for two searches. For the 683 cell tower demands during this period, we performed 1,576 searches. We also maintain a record of the average time period that law enforcement requests for one cell tower search, which was 2 hours, 36 minutes for this reporting period.

Except in emergency situations, we require the most stringent legal standard — a search warrant or probable cause court order — for all demands for precise location information. We require a court order signed by a judge for the production of historical cell site location information that the federal government requests. The court order does not need to be based on a probable cause finding, but instead must be based on a finding that the requested information is “relevant and material to an ongoing criminal investigation.” Some state governments require a warrant or probable cause court order for the production of historical cell site location information. In all circumstances, we will comply with the applicable law.

## **EMERGENCY REQUESTS**

This category includes the number of times we responded to 911-related inquiries and “exigent requests” to help locate or identify a 911 caller. These are emergency requests from law enforcement working on kidnappings, missing person cases, attempted suicides and other emergencies. The numbers provided in this category are the total of 911 and exigent searches that we processed during this reporting period.

Even when responding to an emergency, we protect your privacy. For exigent requests, we receive a certification from a law enforcement agency confirming they are dealing with a case involving risk of death or serious injury before we share information.

## **INTERNATIONAL DEMANDS**

International Demands represent the number of demands we received from governments outside the U.S. and related to AT&T’s operations in those countries. Such international demands are for information about consumers that reside in other countries, businesses that



operate in other countries, and URL/IP (website/Internet address) blocking requests from foreign governments.

During this reporting period, we expanded our operations in Mexico by acquiring two wireless companies—Iusacell and Nextel Mexico. As a result, we now have business *and* consumer operations in Mexico. We provide content services (i.e., text and voicemail messages) for our customers in Mexico, but we did not receive any demands from any government to produce stored content from consumers or businesses in Mexico during this reporting period. In Mexico, we received most of our requests from agencies, such as PGR Procuraduria General de la Republica and PGJ Procuraduria General de Justicia, and we respond as required by law.

Elsewhere in foreign countries other than Mexico, our global operations support only very large multi-national business customers. In those countries, we receive relatively few international demands. Those demands include requests for historic information (i.e., subscriber information) and IP blocking requests. Some countries' laws require us to comply with requests to block access to websites that are deemed offensive, illegal, unauthorized or otherwise inappropriate in certain countries. These requests might be designed to block sites related to displaying child pornography, unregistered and illegal gambling, defamation, illegal sale of medicinal products, or trademark and copyright infringement. A demand may request that one or more identifiers (i.e., IP addresses or URLs) be blocked. While we did receive and comply with requests from governments outside the U.S. to block access to websites during this reporting period, we did not receive any requests to remove content. Internationally, we do not provide content services outside of Mexico.

The laws governing the legal demands that we receive internationally differ by country. We respond to these demands based on each country's laws.

## INTERNATIONAL DEMANDS

| Total International Demands <sup>3</sup> | July – Dec. 2014 | Jan. – June 2015 |
|--|------------------|------------------|
| <b>Argentina</b>                         |                  |                  |
| • Historic                               | 0                | 0                |
| • IP Blocking                            | 0                | 6                |
| <b>Belgium</b>                           |                  |                  |
| • Historic                               | 0                | 0                |
| • IP Blocking                            | 1                | 9                |
| <b>Columbia</b>                          |                  |                  |
| • Historic                               | 0                | 0                |
| • IP Blocking                            | 4                | 4                |
| <b>France</b>                            |                  |                  |
| • Historic                               | 1                | 0                |
| • IP Blocking                            | 0                | 0                |
| <b>Germany</b>                           |                  |                  |
| • Historic                               | 1                | 0                |
| • IP Blocking                            | 0                | 0                |
| <b>Hungary</b>                           |                  |                  |
| • Historic                               | 0                | 1                |
| • IP Blocking                            | 0                | 0                |
| <b>Italy</b>                             |                  |                  |
| • Historic                               | 0                | 2                |
| • IP Blocking                            | 0                | 0                |
| <b>Portugal</b>                          |                  |                  |
| • Historic                               | 0                | 0                |
| • IP Blocking                            | 1                | 3                |
| <b>Russia</b>                            |                  |                  |
| • Historic                               | 0                | 0                |
| • IP Blocking                            | 0                | 180              |
| <b>Slovakia</b>                          |                  |                  |
| • Historic                               | 1                | 0                |
| • IP Blocking                            | 0                | 0                |

|  |   |       |
|--|---|-------|
| <b>Spain</b>   |   |       |
| • Historic   | 0 | 1     |
| • IP Blocking  | 0 | 0     |
| <b>United Kingdom</b>                                      |   |       |
| • Historic   | 1 | 0     |
| • IP Blocking  | 0 | 0     |
| <b>Mexico</b>  |   |       |
| ▪ Historic: Subscriber Information and Call Detail Records |   | 5,089 |
| ○ Location Information (Cell Site)                         |   | 4,835 |
| ▪ Real-Time  |   | 379   |
| ○ Pen Registers / Wiretaps / Cell Site                     |   | 161   |
| ○ Location Information (Precise)                           |   | 218   |

<sup>3</sup> We were also required to block access to websites in India but are precluded by law from identifying the specific details about those requests.

## ADDITIONAL RESOURCES

You'll find more on our commitment to privacy in:

- Our [Privacy Policy](#)
- Our issues brief on [Privacy](#)
- Our issues brief on [Freedom of Expression](#)